

KUTAK ROCK LLP

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:)	
CHAMBERLAYNE AUTO SALES & REPAIR, INC.,)	Chapter 7
Debtor.)	Case No. 17-30335 (KLP)
)	

**MOTION OF PETER J. BARRETT, CHAPTER 7 TRUSTEE, TO EXAMINE AND/OR
COMPEL THE PRODUCTION OF DOCUMENTARY EVIDENCE FROM (I) OLIVER
LAWRENCE, (II) KIM B. LAWRENCE, (III) OLIVER LAWRENCE, JR., (IV) JIMMY
D. LAWRENCE, (V) DONALD LAWRENCE, (VI) LKBKL PROPERTIES, LLC, (VII)
CHAMBERLAYNE AUTOS, TRUCKS, SUV SALES, INC. (VIII) RVA AUTO SALES,
INC., (IX) NANCY ANN ROGERS, P.C., (X) LES WINGFIELD, (XI) TOWNE BANK,
(XII) WELLS FARGO, NA, (XIII) SUNTRUST BANK, (XIV) AMERICAN EXPRESS
CORPORATION, (XIV) SYNCHRONY FINANCIAL D/B/A/ SAMS CLUB
MASTERCARD, AND (XV) BARCLAYCARD US
AND NOTICE OF MOTION**

Peter J. Barrett (the “Trustee”), Chapter 7 Trustee for the Bankruptcy Estate of Chamberlayne Auto Sales & Repair, Inc. (the “Debtor”), by counsel, moves for authority to examine Oliver Lawrence (“O. Lawrence”), Kim B. Lawrence (“Mrs. Lawrence”), Oliver Lawrence, Jr. (“O. Lawrence Jr.”), Jimmy D. Lawrence (“J. Lawrence”), Donald Lawrence (“D. Lawrence”), LKBKL Properties, LLC (“LKBKL”), Chamberlayne Autos, Trucks, SUV Sales, Inc. (“CATSS”), RVA Auto Sales, Inc. (“RVAAS”), Nancy Ann Rogers, P.C. (“Attorney Rogers”), Les Wingfield (“Wingfield”), Towne Bank (“Towne”), Wells Fargo Bank, NA

(“Wells Fargo”), SunTrust Bank (“SunTrust”), American Express Corporation (“AMEX”), Synchrony Financial d/b/a Sams Club Mastercard (“Sams”) Barclaycard US (“Barclays” and collectively with the Debtor, O. Lawrence, Mrs. Lawrence, O. Lawrence, Jr., J. Lawrence, D. Lawrence, LKBKL, CATSS, RVAAS, Attorney Rogers, Wingfield, Towne, Wells Fargo, SunTrust, AMEX and Sams, the “Examinees”), and/or to compel the Examinees to produce documentary evidence and other information pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure. The Trustee states the following in support thereof:

Background

1. The Debtor filed a voluntary petition under Chapter 7 of the Bankruptcy Code in this Court on January 24, 2017.
2. The Trustee was appointed interim Chapter 7 trustee and continues to serve in that capacity.
3. O. Lawrence is the sole owner and officer of the Debtor.
4. Mrs. Lawrence is the wife of O. Lawrence, the former owner of the Debtor and has been involved in numerous financial transactions with the Debtor, both individually and through entities which she and/or O. Lawrence control.
5. O. Lawrence, Jr. is the son of O. Lawrence and Mrs. Lawrence and, upon information and belief, is operating one or more businesses with O. Lawrence.
6. Upon information and belief, J. Lawrence and D. Lawrence are brothers of O. Lawrence and have been involved in business with O. Lawrence and/or the Debtor.
7. Upon information and belief, LKBKL is an entity owned by Mrs. Lawrence and has been involved in numerous financial transactions with the Debtor.

8. Upon information and belief, CATSS and RVAAS are entities and/or business names used by O. Lawrence and O. Lawrence, Jr. to conduct business at the Debtor's location.

9. Attorney Rogers is an attorney for Mrs. Lawrence and, upon information and belief, other members of the Lawrence family.

10. Les Wingfield is the Debtor's tax preparer and, upon information and belief, serves a similar role for members of the Lawrence family.

11. Towne, Wells Fargo and SunTrust are banks which hold, or previously held, accounts belonging to the Debtor, Mrs. Lawrence, LKBKL, O. Lawrence, O. Lawrence, Jr. and/or CATSS.

12. AMEX, Sams and Barclays are credit card companies, each of which received multiple payments from bank accounts owned by the Debtor.

13. Each of the Examinees likely has information regarding the assets, liabilities, financial condition and financial transactions of the Debtor.

Requested Relief

14. The Trustee seeks to examine the Examinees about the acts, conduct, or property of the Debtor, the liabilities and financial conditions of the Debtor, and any matters that may affect the administration of the Debtor's bankruptcy estate pursuant to Rule 2004.

15. The Trustee requests the Court to order the Examinees (other than Towne, Wells Fargo, SunTrust, AMEX, Sams and Barclays) to appear at the law offices of Kutak Rock LLP, 901 East Byrd Street, Suite 1000, Richmond, Virginia 23219 to be examined under oath at a date and time to be determined by counsel for Trustee or as otherwise agreed by counsel.

16. The Trustee also requests the Court to compel the Examinees to produce any documentary evidence in their actual or constructive possession relating to the acts, conduct,

property, liabilities or financial condition of the Debtor or relating to any matter which may affect the administration of the Debtor's estate, including, with limitation, the following:

For O. Lawrence:

a. All documents that discuss, relate or refer to any transaction or communication regarding any transfer, loan, sale, gift or assignment of any assets of the Debtor to O. Lawrence, or vice versa, including, but not limited to, agreements, sales contracts, letter of intent, closing binders, balance sheets, schedules, bank account records, promissory notes, loan agreements, mortgages, security agreements, wire records, notes, check stubs, cancelled checks, computer records, corporate minutes and financial documents.

b. All documents comprising any portion of each of the O. Lawrence's business and financial records including, but not limited to, documents, invoices, agreements, balance sheets, income schedules, bank account records, promissory notes, loan agreements, wire records, notes, check stubs, cancelled checks, computer records, company minutes, resolutions and financial documents for the years 2013 through 2017.

For Mrs. Lawrence:

a. All documents comprising any portion of each of the Mrs. Lawrence's business and financial records including, but not limited to, documents, invoices, agreements, balance sheets, income schedules, bank account records, promissory notes, loan agreements, wire records, notes, check stubs, cancelled checks, computer records, company minutes, resolutions and financial documents for the years 2013 through 2017.

b. All documents that discuss, relate or refer to any transaction or communication regarding any transfer, loan, sale, gift or assignment of any assets of the Debtor to Mrs. Lawrence, or vice versa, including, but not limited to, agreements, sales contracts, letter

of intent, closing binders, balance sheets, schedules, bank account records, promissory notes, loan agreements, mortgages, security agreements, wire records, notes, check stubs, cancelled checks, computer records, corporate minutes and financial documents.

c. Federal income tax returns of Mrs. Lawrence, including all attachments, exhibits and supporting documentation, for the years 2013 through 2016.

For O. Lawrence, Jr.:

a. All documents comprising any portion of each of the O. Lawrence Jr.'s business and financial records including, but not limited to, documents, invoices, agreements, balance sheets, income schedules, bank account records, promissory notes, loan agreements, wire records, notes, check stubs, cancelled checks, computer records, company minutes, resolutions and financial documents for the years 2016 through 2017.

For J. Lawrence and D. Lawrence:

a. All documents that discuss, relate or refer to any transaction or communication regarding any transfer, loan, sale, gift or assignment of any assets of the Debtor to J. Lawrence, or vice versa, including, but not limited to, agreements, sales contracts, letter of intent, closing binders, balance sheets, schedules, bank account records, promissory notes, loan agreements, mortgages, security agreements, wire records, notes, check stubs, cancelled checks, computer records, corporate minutes and financial documents.

b. All documents that discuss, relate or refer to any transaction or communication regarding any transfer, loan, sale, gift or assignment of any assets of the Debtor to D. Lawrence, or vice versa, including, but not limited to, agreements, sales contracts, letter of intent, closing binders, balance sheets, schedules, bank account records, promissory notes, loan

agreements, mortgages, security agreements, wire records, notes, check stubs, cancelled checks, computer records, corporate minutes and financial documents.

For LKBKL:

a. All documents comprising any portion of each of the LKBKL's business and financial records including, but not limited to, documents, invoices, agreements, balance sheets, income schedules, bank account records, promissory notes, loan agreements, wire records, notes, check stubs, cancelled checks, computer records, company minutes, resolutions and financial documents for the years 2013 through 2017.

b. All documents that discuss, refer or relate to the formation of LKBKL including all operating agreements, minutes, resolutions, corporate communications, evidence of membership interests, asset purchase agreements, transfer documents or related documents.

c. All documents consisting of or that discuss refer or relate to the ownership structure, capitalization or equity contributions, including all documents related to initial capital contributions and any subsequent capital contributions or members or shareholders, of LKBKL.

d. All documents regarding any distributions to members or shareholders of LKBKL including invoices, balance sheets, income schedules, bank account records, check stubs, deposit tickets and cancelled checks during the years 2013 through 2017.

For CATSS and RVAAS:

a. All documents comprising any portion of each of the CATSS' business and financial records including, but not limited to, documents, invoices, agreements, balance sheets, income schedules, bank account records, promissory notes, loan agreements, wire records, notes, check stubs, cancelled checks, computer records, company minutes, resolutions and financial documents for the years 2016 and 2017.

b. All documents comprising any portion of each of the RVAAS' business and financial records including, but not limited to, documents, invoices, agreements, balance sheets, income schedules, bank account records, promissory notes, loan agreements, wire records, notes, check stubs, cancelled checks, computer records, company minutes, resolutions and financial documents for the years 2016 and 2017.

c. All documents that discuss, refer or relate to the formation of each of CATSS and RVAAS including all operating agreements, minutes, resolutions, corporate communications, evidence of membership interests, asset purchase agreements, transfer documents or related documents.

d. All documents that discuss, relate or refer to relating to any transaction or communication regarding any transfer, loan, sale, gift or assignment of any assets of the Debtor to CATSS and/or RVAAS, including, but not limited to, agreements, sales contracts, letter of intent, closing binders, balance sheets, schedules, bank account records, promissory notes, loan agreements, mortgages, security agreements, wire records, notes, check stubs, cancelled checks, computer records, corporate minutes and financial documents.

For Attorney Rogers:

a. All documents that discuss, relate or refer to any transaction or communication regarding any transfer, loan, sale, gift or assignment of any assets of the Debtor to any insider or affiliate of the Debtor (as such terms are defined in 11 U.S.C. § 101), or vice versa, including, but not limited to, agreements, sales contracts, letter of intent, closing binders, balance sheets, schedules, bank account records, promissory notes, loan agreements, mortgages, security agreements, wire records, notes, check stubs, cancelled checks, computer records, corporate minutes and financial documents.

b. All documents that discuss, relate or refer to transaction or communication regarding any transfer, loan, sale, gift or assignment of any assets of O. Lawrence to any insider or affiliate of O. Lawrence (as such terms are defined in 11 U.S.C. § 101), or vice versa, including, but not limited to, agreements, sales contracts, letter of intent, closing binders, balance sheets, schedules, bank account records, promissory notes, loan agreements, mortgages, security agreements, wire records, notes, check stubs, cancelled checks, computer records, corporate minutes and financial documents.

c. All documents that discuss, relate or refer to any transaction or communication regarding any transfer, loan, sale, gift or assignment of any assets of LBKBL to any insider or affiliate of LBKBL (as such terms are defined in 11 U.S.C. § 101), or vice versa, including, but not limited to, agreements, sales contracts, letter of intent, closing binders, balance sheets, schedules, bank account records, promissory notes, loan agreements, mortgages, security agreements, wire records, notes, check stubs, cancelled checks, computer records, corporate minutes and financial documents.

For Les Wingfield:

a. All documents that discuss, relate or refer to relating to any tax preparation, accounting or bookkeeping service provided to the Debtor, O. Lawrence, Mrs. Lawrence and/or LBKBL, including, but not limited to, agreements, tax returns and attachments and exhibits, general ledgers, balance sheets, schedules, bank account records, communications in any form, notes, check stubs, cancelled checks, computer records, corporate minutes and financial documents during the years 2013 through 2017.

For Towne, Wells Fargo and SunTrust (Document Production Only):

a. All documents that discuss, relate or refer to any account held by the Debtor, O. Lawrence, Mrs. Lawrence, O. Lawrence, Jr., LKBKL, CATSS and/or RVAAS during the years 2013 and 2017, including bank account statements and copies of canceled checks and wire records for transactions over \$2,000.00.

For AMEX, Sams and Barclays (Document Production Only):

a. All documents, including account statements, that discuss, relate or refer to any account held by the Debtor, O. Lawrence, Mrs. Lawrence, O. Lawrence, Jr., LKBKL, CATSS and/or RVAAS during the years 2013 and 2017.

17. The Trustee requests the Court to order the Examinees to produce the requested documents at the law offices of Kutak Rock noted above within twenty (20) days from the date of the Order granting the relief requested in this Motion or as otherwise agreed by counsel.

18. An Order granting the relief requested in this Motion will be submitted to the Court for entry seven days after the date of filing of this Motion as to all Examinees other than those Examinees who have timely filed an objection to the Motion. Upon entry of such Order or Orders, individual subpoenas will, in the discretion of the Trustee and his counsel, be issued to the Examinees pursuant to Rules 2004(c) and 9016 of the Federal Rules of Bankruptcy Procedure.

WHEREFORE, the Trustee requests the Court to authorize the examinations as set forth herein, to compel the production of documentary evidence, to authorize the issuance of subpoenas and compel compliance therewith and to award any further relief the Court deems proper.

PETER J. BARRETT, TRUSTEE

By: /s/ Peter J. Barrett
Counsel

KUTAK ROCK LLP

Peter J. Barrett (VSB No. 46179)

Jeremy Williams (VSB No. 77469)

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Counsel for Peter J. Barrett, Trustee

NOTICE OF MOTION

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one). If you do not want the court to grant the relief sought in the Motion, you must do the following:

1. You must file with the court, at the address shown below, a written response pursuant to Local Bankruptcy Rules 9013-1 and 2004-1 ***not later than seven days after the date of service noted below:***

Clerk of the Bankruptcy Court
701 East Broad Street
Richmond, VA 23219

2. You must also deliver a copy to:

Peter J. Barrett, Esquire
KUTAK ROCK LLP
901 East Byrd Street, Suite 1000
Richmond, VA 23219

3. No hearing has been set to consider the motion. If you object to the motion, you must file the objection timely with the Court. If a hearing is required, you must attend the hearing in addition to filing a written objection to the motion. If you fail to file timely a written response and to attend the hearing, the Court may consider any objection you may have waived and enter an Order granting the relief requested in the motion.

CERTIFICATE OF SERVICE

I certify under penalty of perjury that a true copy of the forgoing was served via first class mail, postage pre-paid, through the Court's ECF system on May 26, 2017 on all necessary parties as follows:

Robert VanArsdale, Esquire
Office of the U.S. Trustee
701 East Broad Street, Suite 4304
Richmond, Virginia 23219

David Spiro, Esquire
Spiro & Browne
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Richmond, VA 23230

Oliver Lawrence
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Ashland, VA 23005

Kim B. Lawrence
12384 Mechumps Creek Lane
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Oliver Lawrence, Jr.
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Jimmy D. Lawrence
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Donald Lawrence
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LBKBL Properties, LLC
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Richmond, VA 23222

LBKBL Properties, LLC
c/o Fred Dixon, Registered Agent
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Richmond, 23230

Chamberlayne Autos, Trucks, SUV Sales, Inc.
2425 Chamberlayne Avenue
Richmond, VA 23222

Chamberlayne Autos, Trucks, SUV Sales, Inc.
c/o Brittany Rawlinson, Registered Agent
402 South Sycamore Street, Unit B
Petersburg, VA 23803

RVA Auto Sales, Inc.
2425 Chamberlayne Avenue
Richmond, VA 23222

RVA Auto Sales, Inc.
c/o Brittany Rawlinson, Registered Agent
102 South Sycamore Street
Petersburg, VA 23803

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Les Wingfield
Myers and Stauffer LC
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Glen Allen, Virginia 23060

Towne Bank
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Richmond, VA 23219

Wells Fargo Bank, NA
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Richmond, VA 23219

SunTrust Bank
c/o Corporation Services Company, Registered
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Richmond, VA 23219

American Express Corporation
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Attn: Bankruptcy Department
El Paso, TX 79998

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Glen Allen, Virginia 23060-6802

Synchrony Financial
d/b/a Sams Club Mastercard
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777 Long Ridge Road
Stamford, CT 06902

Barclaycard US
Attn: Curt Hess, CEO
123 S. West Street
Wilmington, DE 19801

/s/ Peter J. Barrett

Counsel